

REMARKS/ARGUMENTS

By the *Office Action* of 11 October 2006, Claims 1-24 are pending in the Application, Claims 16-24 being withdrawn, and Claims 1-15 pending, and all rejected.

By the present *Response and Amendment*, the *Specification* is amended to conform to the Examiner's objections, Claims 1-3 and 9 canceled, and Claims 4 and 10 clarified.

No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

1. The Specification

The Examiner objects to the language of two paragraphs in the *Specification*, and the "means" language in the *Abstract*. Applicant thanks the Examiner for the extremely close reading of the pending application, and herein makes the suggested changes to the paragraphs of the *Specification*, and the *Abstract*.

2. The Claim Rejections under 35 USC §112

The Examiner rejects Claims 10-15 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that Applicant regards as the invention.

Applicant herein clarifies Claim 10, and respectfully submits the clarifications made to Claim 10 overcome the §112 rejection of Claims 10-15.

3. The Claim Rejections under 35 USC §102

The Examiner rejects Claims 1-7 and 9-14 under 35 USC §102(b), as being anticipated by US Patent No. 4,789,271 to Sullaway et al. Remaining independent Claims 4 and 10 have been clarified to recite that the alignment means are *adjustable* for effecting final alignment of the structure in the foundation. As this feature is absent from Sullaway et al., it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over Sullaway et al.

Sullaway et al. teaches an arrangement for applying grout between a sub-sea pile and a pile jacket. The arrangement uses a stinger at the end of a grout feed line. The stinger is accommodated in a socket in fluid communication with the jacket. The stinger has guide formations 114 on its side which co-operate with the walls of the socket. The guide formations 114 are *fixed*.

There is no teaching or suggestion of alignment of the stinger by adjustable alignment means after the stinger has been received in the socket, neither is there any reason why such alignment might be necessary. Accordingly, it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over Sullaway et al.

The Examiner rejects Claims 1-15 under 35 USC §102(a), as being anticipated by US Patent No. 6,409,428 to Moog. Remaining independent Claims 4 and 10 have been clarified to recite that the alignment means are **adjustable** for effecting final alignment of the structure in the foundation. As this feature is absent from Moog, it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over Moog.

Moog teaches the alignment of a seabed mounted anchor in relation to a tubular structure, such as of a drilling platform leg. The anchor is mounted on a pivotable mount 36, 40, 42, 44. Cables 50, 52 are connected to a lower part of the tubular structure 10 and arranged to pass through diametrically opposed cable guides 64, 66 on the anchor. Tensioning of the cables draws the tubular structure into the anchor, with the cable guides acting to ensure appropriate alignment of the anchor (by movement about the pivot mount) with the tubular structure.

The tubular structure is retained in the anchor by means of a rotatable locking ring 24. The locking ring 24 has radially outwardly projecting tenons which co-operate with inwardly projecting tenons on the internal surface of the socket to rotate the ring 24 into a locking condition. Ring 24 has no role in ensuring the correct alignment of the tubular structure in the socket.

Moog does not teach adjustable alignment means which co-operate with an internal guiding surface of the anchor to align the tubular structure with respect to the anchor. Accordingly, it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over Moog.

Claim 8 is respectfully shown further patentable over Moog, as contrary to the Examiner's statement in the *Office Action*, Fig. 3 of Moog does not show a "spherical ball". Even if Fig. 4 of Moog admittedly shows an alternative arrangement in which the tubular structure is pivoted rather than the anchor, and even if for argument's sake, structure 118 is taken as part of the spherical element, it is respectfully submitted that the remaining functional requirements of Claim 8 are not met by the construction of Fig. 4 of Moog.

The Examiner rejects Claims 1-6 and 10-14 under 35 USC §102(b), as being anticipated

by CH Patent Document No. 363463. Remaining independent Claims 4 and 10 have been clarified to recite that the alignment means are *adjustable* for effecting final alignment of the structure in the foundation. As this feature is absent from CH Patent Document No. 363463, it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over CH Patent Document No. 363463.

CH Patent Document No. 363463 describes a foundation for mounting a mast, such as a lamp post. The foundation is principally formed of concrete, and includes a substantially cylindrical bore into which the mast fits. The bore is flared outwardly at a top portion to accommodate a metal sleeve 6. The sleeve is approximately conical (in fact, the walls of the sleeve are curved).

A wedging ring 8 is inserted between the mast 3 and the sleeve 6 to assist in retaining the mast in its position of use. However, the wedging ring 8 does not constitute an adjustable alignment means, adjustment of which determines the correct alignment of the mast. Accordingly, it is respectfully submitted that Claims 4 and 10, and those Claims ultimately dependent therefrom, are novel over CH Patent Document No. 363463.

4. The Claim Rejections under 35 USC §103

The Examiner rejects Claims 7-8 and 15 under 35 USC §103(a), as being unpatentable over CH Patent Document No. 363463 in view of US Patent No. 4,406,094 to Hempel et al. Applicant respectfully traverses this grounds of rejection, as described more fully above, since the Claims of the present application have been clarified to recite limitations neither taught nor suggested by the prior art, namely, an adjustable alignment means.

The Examiner alleges that CH Patent Document No. 363463 teaches all claimed features except a conical tip having a spherical part attached thereto. CH Patent Document No. 363463 does not teach or suggest adjustable alignment means. The Examiner uses Hempel et al. to teach the conical tip and spherical end part. It is true that Hempel et al. does teach a wind turbine mounting in which the lower end of the mast is conical and rests on a part spherical tip. However, the remaining construction of Hempel et al. is very different from that of the present invention as claimed. Thus, there is no combination of CH Patent Document No. 363463 and Hempel et al. which results in the structure as claimed in Claims 7-8 and 15.

The Examiner rejects Claims 7 and 9 under 35 USC §103(a), as being unpatentable over CH Patent Document No. 363463 in view of CH Patent Document No. 241601. Applicant

respectfully traverses this grounds of rejection, as described more fully above, since the Claims of the present application have been clarified to recite limitations neither taught nor suggested by the prior art, namely, an adjustable alignment means.

The Examiner alleges that it would be obvious to modify the structure of CH Patent Document No. 363463 by incorporating the conical tip of CH Patent Document No. 241601. For the reasons noted above, this would still not result in a structure as claimed in Claim 7. Also, it is not apparent why the skilled person would be motivated to modify CH Patent Document No. 363463 in this way. The mere fact that CH Patent Document No. 241601 teaches a conical tip respectfully is not a justification for obviousness. CH Patent Document No. 241601 teaches a conical tip for a reason – namely, to seat in a correspondingly-shaped socket. The construction of CH Patent Document No. 363463 is different, and it is submitted that were a conical tip to be added to the mast in CH Patent Document No. 363463, there would be disadvantages, in that the mast would seat further into the foundation, potentially blocking the wiring access routes 5.

5. Fees

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically within five months. A two month extension of time is believed due, and authorized for payment.

No additional Claims fees are believed due, as the total number of Claims, and independent Claims, is less than that paid upon original filing and prosecution.

Authorization is hereby expressly given to charge any additional fees due, via deposit account No. 20-1507.

CONCLUSION

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicants respectfully request early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

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